

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In Re

LUIS ALBERT CRESPO and ELENA
CRESPO a/k/a HELEN CRESPO,

Chapter 7

Case No. 12-45067-nhl

Debtors.

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JOHN S. PEREIRA, as Chapter 7 Trustee for
The Estate of Luis Albert Crespo and Elena
Crespo a/k/a Helen Crespo,

Plaintiff

Adv. Pro. No. 14-01029-nhl

-against-

SAM BERK, individually, DANIEL CRESPO,
Individually, ELITE PROCESS SERVERS,
INC., LUIS ALBERT CRESPO d/b/a LAC
PROCESS and DANIEL CRESPO d/b/a
LAC PROCESS,

ANSWER

Defendant.

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DANIEL CRESPO, by his attorneys, Macco & Stern, LLP, as and for his Answer to the
Complaint, alleges as follows:

First: Denies each and every allegation contained in paragraphs "6", "9", "22", "23",
"24", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40",
"41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55", "56",
"57", "58", "59", "60", "61", "62", "63", "64", "65", "66", "67", "68", "69", "70", "71", "72",
"73", "74", "75", "76", "77", "78", "79", "80", "81", "82" and "83" of the Complaint.

Second: Denies knowledge and information sufficient to form a belief as to paragraphs
"4", "11", "12", "13", "18", "19", and "25" of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Third: Any liability due Luis Albert Crespo in the Bankruptcy Estate of Luis Albert Crespo from the defendant Daniel Crespo was discharged in the Chapter 7 Bankruptcy of Daniel Crespo.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Fourth: The Court lacks jurisdiction over the defendant Daniel Crespo.


AS AND FOR A THIRD AFFIRMATIVE DEFENSE

Fifth: The statute of limitations has expired.

WHEREFORE, Defendant requests judgment dismissing the Complaint; that Defendant have judgment against Plaintiff for the costs and reasonable attorneys' fees of this proceeding; and for such other and further relief as is just and proper.

Dated: Melville, New York
April 21, 2014

BY:



Michael J. Macco
MACCO & STERN, LLP
Attorneys for Defendant
DANIEL CRESPO
135 Pinelawn Rd, Suite 120 South
Melville, New York 11747
631-549-7900

STATE OF NEW YORK)
)
COUNTY OF SUFFOLK) ss.:

Carol Smith, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and resides at West Islip, New York.

On April 21, 2014 deponent served true copies of the following:


ANSWER

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid properly addresses wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Troutman Sanders LLP
The Chrysler Building
405 Lexington Avenue
New York, NY 10174*

*John S. Pereira, Trustee
Pereira & Sinisi
The Chrysler Building
405 Lexington Avenue
New York, NY 10174*

*Office of the U.S. Trustee
U.S. Federal Office Building
201 Varick Street, Suite 1006
New York, New York 10014*



Carol Smith

Sworn to before me this
21st day of April, 2014

s/Janine M. Zarrilli
Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2018